



IT IS ORDERED as set forth below:

Date: October 19, 2022

**Sage M. Sigler
U.S. Bankruptcy Court Judge**

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
LEONA F. THOMAS,)	CASE NO. 22-55948-SMS
)	
Debtor.)	
-----)	-----
)	
NEWREZ LLC D/B/A SHELLPOINT)	
MORTGAGE SERVICING,)	
)	
Movant.)	CONTESTED MATTER
vs.)	
)	
LEONA F. THOMAS, DEBTOR)	
EARNEST THOMAS, CO-DEBTOR)	
K. EDWARD SAFIR, TRUSTEE)	
)	
Respondents.)	

**ORDER GRANTING MOTION TO ANNUL AUTOMATIC STAY
AND CO-DEBTOR STAY, NUNC PRO TUNC & REQUEST FOR
FINDING PURSUANT TO 11 U.S.C. SECTION 362 (d)(4)**

The Motion To Annul Automatic Stay and Co-Debtor Stay, Nunc ProTunc & Request For

Finding Pursuant to 11 U.S.C. Section 362 (D)(4)(B)(“Motion”) of NewRez LLC d/b/a Shellpoint Mortgage Servicing, for itself, its successors and assigns (“Movant”) was filed on August 24, 2022, [Doc. No. 15] regarding the real property located at and commonly known as **3410 Donegal Way, Snellville, Georgia 30039** (“Property”). The matter came before the court on September 27, 2022. Maria Tsagaris, attorney for Movant, and Albert C. Guthrie, Attorney for the Trustee, were present. Based upon the pleadings, the arguments of counsel, and for reasons stated on the record, it is hereby

ORDERED that Movant's Motion is **GRANTED**. The Section 362(a) automatic stay and Section 1301 co-debtor stay are hereby annulled *nunc pro tunc*, effective as of the date this case was filed, and the foreclosure sale conducted by Movant on August 2, 2022, with respect to the Property is hereby deemed valid to the extent it is otherwise valid under Georgia law and the contract between the parties. Movant, its successors and assigns, may conclude its foreclosure sale and record its foreclosure deeds, and may exercise any and all of its respective rights as to its collateral pursuant to Georgia law and the contract between the parties, including recovering possession of the Property.

FURTHER ORDERED that the Court finds that the filing of the petition in this case was part of a scheme to delay and/or hinder this creditor that involves multiple bankruptcy filings affecting the Property, as contemplated by 11 USC §362(d)(4)(B), such that upon recording of this Order in the Gwinnett County, Georgia property records, such Order shall be binding and no automatic stay shall arise to Movant, its successors and assigns, in any other bankruptcy case filed by any party claiming an interest in the Property for a period of two years from the entry of this Order.

FURTHER ORDERED that the provisions of Bankruptcy Rule 4001(a)(3) are waived, and this Order is effective upon its entry.

[END OF DOCUMENT]

PREPARED AND PRESENTED BY:

/s/Maria Tsagaris

Maria Tsagaris, GA Bar No. 143071
Attorney for Movant
McCalla Raymer Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076-2102
Direct Phone: Maria.Tsagaris@mccalla.com
Email: Maria.Tsagaris@mccalla.com

NO OPPOSITION:

/s/Albert C. Guthrie

Albert C. Guthrie, GA Bar No. 142399
Attorney for the Standing Chapter 13 Trustee
Suite 1600
285 Peachtree Center Ave, NE
Atlanta, GA 30303
Phone: 404-525-1110

DISTRIBUTION LIST

Leona F. Thomas
3410 Donegal Street
Snellville, GA 30039

Earnest Thomas
3410 Donegal Street
Snellville, GA 30039

Albert Clark Guthrie
K. Edward Safir, Standing Chapter 13 Trustee
Suite 1600
285 Peachtree Center Avenue, NE
Atlanta, GA 30303